



Clark County, Washington *Endangered Species Act Information*

The ESA and rural land owners in Clark County

Do I need to be concerned about the ESA?

If you own land in rural Clark County, there's a good chance that federal, state, and county regulations resulting from the federal Endangered Species Act (ESA) could affect your property, especially if a river or stream flows through it. While the extent and impact of ESA-related regulations is still uncertain, Clark County is required by the ESA to prevent degradation and, in some cases, improve habitat conditions for salmon. Any new regulations, however, are likely to be phased in gradually, making immediate or drastic changes unlikely. Clark County's goal is to implement regulations that meet the needs of both people and wildlife, including salmon.

What if I'm already taking good care of the land?

The more you are doing now to ensure that your property is salmon-friendly, the likelier it is that you will be complying with ESA requirements as they become more specific. Fortunately, many rural residents of Clark County are already good stewards of the land. Some rural landowners are taking steps to improve the health of streams through activities such as:

- Preventing erosion from entering streams
- Maintaining sufficient riparian areas



(native plant growth along stream-banks)

- Minimizing use of pesticides and fertilizers and making sure they won't wash off into streams
- Fencing livestock away from stream-banks
- Avoiding clear-cutting on steep slopes

Property owners who promote the health of streams on their property and improve conditions for salmon may actually increase the value of their land. If you have a stream running through your property and would like help making it more salmon-friendly, Fish First is one local organization that works with private property owners on habitat restoration projects. For more information, contact Jim Malinowski at (360) 247-6404.

If I'm already following county ordinances that affect land use practices, am I complying with the ESA?

Various federal, state, and county land use regulations already apply to rural landowners in Clark County. In some

cases, following these ordinances and regulations might ensure ESA compliance. If the National Marine Fisheries Service or the U.S. Fish and Wildlife Service accepts certain county regulations as ESA-compliant, then individuals, groups, or entities that follow these regulations will not be held liable for violating the ESA.

How will the ESA affect the county's current agricultural exemption?

Agricultural practices are currently exempted under Clark County's Habitat Conservation Ordinance (HCO). However, people whose land use practices might harm salmon are at risk of being held liable for civil or criminal penalties under the ESA, regardless of whether these practices are permissible under county regulations. There is a good chance that current agricultural exemptions will be modified in the near future as a result of the ESA or other regulatory requirements and considerations. Clark County is legally required to address the HCO's agricultural exemptions and is currently in the process of doing so.

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The county's community-based Habitat Task Force will be asked to develop regulations for agricultural activities in Clark County.

Will I be informed if ordinances change?

There is a good chance that the county will have to change some of its critical areas ordinances and other regulations, programs, and activities to comply with the ESA. As with any regulatory changes, this would involve a public involvement process that gives you or any other Clark County resident the chance to provide input and feedback. For example, during the last several years, erosion control and stormwater management in Clark County have changed dramatically. The development community and other interested parties have worked cooperatively with the county to update the regulations associated with these activities. Under the ESA, other land-use and development regulations may need to be similarly adjusted. The process of change takes time, and any adjustments are unlikely to take place immediately.

What land use activities affect salmon?

To survive, salmon require streams and rivers that are cold, clean, complex, and connected. These conditions are known as the "four Cs." Some of the farm/forestry practices that can affect these conditions are listed below:

COLD

Salmon and steelhead need cold water. Farm/forestry practices that can affect water temperature include:

- Grazing in riparian zones or wetlands
- Crop management in riparian zone/wetlands
- Inadequate riparian buffers
- Land clearing
- Burning riparian areas or vegetation in ditches

- Rill or furrow irrigation
- Open ditches, canals, reservoirs
- Dams, water control structures
- Field runoff
- Ditch, canal, reservoir maintenance

CLEAN

Salmon and steelhead need clean water. Farm/forestry practices that can affect sediments and water quality include:

- Animal or farm waste management
- Field runoff
- Waste treatment, storage, and transfer
- Ditch maintenance
- Rill or furrow irrigation
- Open ditches, canals, reservoirs
- Sediment basin maintenance
- Grazing in riparian zones or wetlands
- Crop management in riparian zone/wetlands
- Inadequate riparian buffers
- Land clearing, clear-cutting
- Burning riparian areas or vegetation in ditches

COMPLEX

In-stream habitat for salmon and steelhead needs to be complex. Farm/forestry practices that can reduce in-stream habitat complexity include:

- Straightening channels
- Water diversions and conveyances
- Ditches, dikes, canals
- Storage reservoir
- Clearing wood from channels
- Grade stabilization
- Grassed waterways
- Grazing in riparian zones or wetlands
- Crop management in riparian zone/wetlands
- Tree harvest in riparian zones

CONNECTED

Salmon and steelhead need access between the ocean and their spawning areas. Farm/forestry practices that can affect fish passage include:

- Impassable dams
- Reservoirs with introduced fish

- Unscreened diversions, ditches, canals
- Impassable culverts on access roads
- Water conveyance, diversion, and storage
- Tide gates or screens that block access to habitat

For best management practices guidelines, contact the National Marine Fisheries Service at (503) 230-5400, or visit <http://www.nwr.noaa.gov/>.

Conservation Reserve Enhancement Program

The Conservation Reserve Enhancement Program (CREP) is designed to restore fish habitat on private agricultural lands next to streams with declining salmon populations. This voluntary program compensates land owners for setting aside riparian buffers (areas of natural vegetation along streams) to promote fish recovery. It is a 10- to 15-year fixed lease arrangement that:

- Provides annual payments amounting to 200 percent of the Farm Service Agency soil rental rates per acre, as well as the cost of establishing riparian buffers.
- Improves water quality and salmon habitat, reduces erosion.
- Is completely voluntary and has flexible buffers and contract lengths
- May meet Endangered Species Act (ESA) requirements.
- Is administered by local agencies (Conservation District, Farm Service Agency, Natural Resources, Conservation Service).
- Provides you with technical assistance in designing and establishing riparian buffers.

You may qualify for this program if you have land along waters with declining salmon and steelhead stocks, and if you use your land for certain agricultural uses. If your land is eligible and you enroll in

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the program, you would establish 180-foot minimum riparian buffers planted primarily with native trees and shrubs. Your contract would range from 10 to 15 years, during which time you would agree not to make any commercial use of that riparian land.

The program gives you lots of flexibility about how much land to enroll, whether to enroll one side or both sides of the stream, and how wide your buffers will be. The more land you enroll, the likelier it is that you will comply with upcoming ESA regulations. ESA regulations may eventually be required of all properties that border streams, so enrolling in CREP could give you an advantage in meeting these requirements, with the added benefit of financial compensation.

For more information or to get a no-obligation evaluation of your land, please call one of the following:

- Sandra Starbuck, USDA Farm Service Agency, 883-1987 ext. 2.
- John Gaddis, Clark County Conservation District, 883-1987 ext. 112.

For information about salmon recovery in Clark County, contact the Clark County Endangered Species Program at (360)397-2022 or www.saveoursalmon.com.



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